

IN THE SUPREME COURT OF THE STATE OF DELAWARE

BANK OF AMERICA, N.A., as	§
Master Trustee of ACF MASTER	§ No. 378, 2009
TRUST,	§
Plaintiff Below-	§
Appellant,	§ Court Below-Court of Chancery
v.	§ of the State of Delaware
STEEL PARTNERS II	§ C.A. No. 4284
(OFFSHORE) LTD., et al.,	§
Defendants Below-	§
Appellees.	§

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ARCHSTONE PARTNERS, L.P. et	§
al.,	§ No. 378, 2009
Plaintiffs Below-	§
Appellants,	§
v.	§ Court Below-Court of Chancery
WARREN LICHTENSTEIN, et al.,	§ of the State of Delaware
Defendants Below-	§ C.A. No. 4465
Appellees.	§

Submitted: July 13, 2009

Decided: July 14, 2009

Before **STEELE**, Chief Justice, **JACOBS** and **RIDGELY**, Justices

**ORDER**

This 14<sup>th</sup> day of July 2009, it appears to the Court that:

(1) The plaintiffs-appellants, Archstone Partners, L.P. et al. (“Archstone”), have petitioned this Court, pursuant to Supreme Court Rule 42, to appeal from the Court of Chancery’s interlocutory ruling on June 19, 2009 denying their motion for a preliminary injunction.

(2) On July 10, 2009, the Court of Chancery refused to certify an interlocutory appeal to this Court pursuant to Rule 42 on the ground that Archstone had failed to demonstrate that its June 19, 2009 order determined a substantial issue, established a legal right, or met any of the criteria set forth in Rule 42(b) (i)-(v). The Court of Chancery also denied Archstone's motion for an injunction pending appeal.

(3) Applications for interlocutory review are addressed to the sound discretion of this Court and are granted only in exceptional circumstances.<sup>1</sup> We have examined the Court of Chancery's June 19, 2009 decision according to the criteria set forth in Rule 42. In the exercise of its discretion, this Court has concluded that such exceptional circumstances as would merit interlocutory review of the Court of Chancery's decision do not exist in this case.

NOW, THEREFORE, IT IS ORDERED that the within interlocutory appeal is REFUSED.<sup>2</sup>

BY THE COURT:

/s/ Henry duPont Ridgely  
Justice

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<sup>1</sup> Supr. Ct. R. 42(b).

<sup>2</sup> Archstone's motions for injunction pending appeal and to shorten defendants' time to respond to plaintiffs' motion for injunction pending appeal are, accordingly, hereby denied.